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EXAMINER
NGUYEN, PHILLIP H

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *22 January 2008*.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-28* is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-6,9-18 and 20-28* is/are rejected.
7) ☒ Claim(s) *7,8 and 19* is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All b) ☐ Some * c) ☐ None of:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. _____.
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
       application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This action is in response to the amendment filed 1/22/2008.

2.   Per Applicant's request, claims 1, 16-18, and 24 have been amended; claims 27

and 28 are newly added.

Note

3.   The official translation of Suzuki has been attached with this office action for

reviewing purposes.

Response to Arguments

4.   Applicant's arguments with respect to claims 1-28 have been considered but are

moot in view of the new ground(s) of rejection.

Applicant asserts on page 9 of the amendment regarding 101 rejection that claim

18 has been amended to recite "*a* **server configured with a program installed**

thereon" which now overcome the 101 rejection.

Examiner respectfully disagrees with the allegation as argued. Although, the

server now has a program installed thereon but that does not excluding the server from

being software per se. This server does not have any hardware component associated

with it therefore it can be a database, a repository, a library, or any other software

storage that has programs installed thereon. For this reason, examiner maintains the

101 rejection.

Applicant further asserts on pages 13-14 regarding claim 26 that Suzuki fail to teach **"wherein said web page accessible to one or more of said user and others"** and further states that "...**permit the viewing of results by more than one user, by providing the results in a web page...That is the same page may be viewed by multiple users"**.

Examiner respectfully disagrees with the allegation as argued. Firstly, Suzuki teaches **"there is no limit of the number of user terminals"** (see [0029]). In other words, Suzuki's approach can have more than one user terminals access the server for software demonstration. Secondly, applicant argues limitation that is not cited in the claim. Lastly, claim 26 simply allows one or more user access the web page.

Applicant asserts on page 16 of the amendment regarding claims 5 that Suzuki in combination with the well known technique fails to teach "**wherein said identifying a user further comprises identifying a user through <u>supplying a user</u> with a unique, operational email address."**

Examiner respectfully disagrees with the allegation as argued. Broadly interpretation, supplying a user with a unique operational email address or using the user's existing email address to supply the user with a unique ID to identify a user is the same, because email address has to be supplied first in order for it to be used.

Applicant asserts on pages 17-18 of the amendment regarding claims 9 and 20 that Suzuki in combination with well known technique fails to teach "**wherein said receiving code from said identified user further comprises receiving email from said identified user"**.

Examiner respectfully disagrees with the allegation as argued. Broadly interpretation, claim 9 and 20 indicates that the code is received by email from identified user. They do not necessarily say that the code is the email itself from the identified user. If the applicant is trying to claim that the code is the email itself then the applicant needs to clarify that in the claims. Therefore, the rejection is valid.

Applicant further asserts on page 18 of the amendment regarding claim 10 that Suzuki in combination with well known technique tails to teach **"wherein said receiving email from said identified user further comprises receiving a predetermined amount of email from said identified user"**.

Examiner respectfully disagrees with the allegation as argued. Again, as explained above, the user's code may not necessarily be the email itself. Furthermore, the technique of emailing code, messages, data, etc., is well known to the art. The identified user is allowed to send a predetermined amount of emails for demonstration because the invention is about software demonstration. If the user can send many numbers of emails to the server then it is no longer a demonstration. In addition, Suzuki teaches **"having the possibility of executing multiple application demonstrations with one connection from a user terminal"**. In other words, this can be interpreted that a user can perform software demonstration for a predetermined amount of data.

Applicant further asserts on page 18 of the amendment regarding claim 11 that Suzuki in combination with well known technique fails to teach **"wherein said receiving code from said identified user further comprises receiving code for a predetermine time from said identified user"**.

Examiner respectfully disagrees with the allegation as argued. It is well known in the art that in order to prevent the server from crashing, corrupting, interrupting, slow responding, etc., due to large amounts of users access the server at once, the user is only allowed to access the server with a predetermined time. Therefore, it would have been obvious to one having an ordinary skill in the art at the time the invention was made to modify Suzuki to allow the user to access the server with a predetermined time to prevent the server from crashing, corrupting, etc.

Applicant asserts on page 19 of the amendment regarding claim 12 that Suzuki in combination with the fails to teach **"wherein said executing said program to be demonstrated using said code further comprises executing an email scanning program to be demonstrated using email provided by said user"**.

Examiner respectfully disagrees with the allegation as argued. Email handling and virus scanning services are well known to the art. One of ordinary skill in the art at the time the invention was made to modify Suzuki's approach to allow email scanning demonstration to fulfill user's needs and desires.

Applicant further asserts on page 19 of the amendment regarding claim 15 that Suzuki in combination with the well known technique fails to teach "**a secure shut down mechanism**".

Examiner respectfully disagrees with the allegation as argued. Secure shutdown is well known to the art. For example Smith et al. (US 6,918,038) teaches "**Generally, monitor node 674 monitors the status of the nodes from a security standpoints and may facilitate shut down all or part of the network in response to a security**

violation" (see col. 18:7-10). One of ordinary skill in the art would have been motivated

to modify Suzuki's approach to provide the well known secure shut down technique

taught by Smith for security purposes.

Examiner is entitled to give claim limitations their broadest reasonable

interpretation in light of the specification. See MPEP 2111 [R-1] Interpretation of

Claims-Broadest Reasonable Interpretation. During patent examination, the pending

claims must be given the broadest reasonable interpretation consistent with the

specification.

Applicant always has the opportunity to amend the claims during the prosecution

and broad interpretation by the examiner reduces the possibility that the claims, once

issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,

550-51 (CCPA 1969).

Claim Rejections - 35 USC § 101

5.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 18-25 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter.

Regarding claim 18 has been amended to recite "a server configured with a

program to be demonstration installed thereon" but that does not excluding the server

from being software per se. This server does not have any hardware component

associated with it therefore it can be a software component such as a database, a

repository, a library, or any other software storage that has programs installed thereon.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 1-4, 6, 13, 14, 21-23, 25-28 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Suzuki (JP02002342084A), in view of Tobler (United States Patent

No.: US 6,978,232).

As per claims 1, 16-18, and 24:

        Suzuki teaches:

                providing an identified user with access, via a network, to a server

        comprising a program to be demonstrated (see at least [0014] **"A user terminal**

        is characterized by logging on to said terminal server through a

        communication line");

                executing on said server said program to be demonstrated using said

        code received from said identified user (see at least [0010] **"a demonstration**

        execution server connected to the same network as aforementioned

        terminal server to execute aforementioned software demonstration"); and

> *providing any results of said execution based on the execution of the*
>
> *demonstration program manipulating the code received from said identified user*
>
> (see at least [0014] "**receiving the demonstration result of said software by**
>
> **said server for demonstration activation through said terminal server**").

Suzuki does not explicitly teach:

> *receiving code from said identified user.*

However, Tobler teaches:

> *receiving code from said identified user* (see at least the abstract "**the**
>
> **prospective client can still navigate through a series of pages and input**
>
> **hypothetical data as though operating an actual control window of the**
>
> **virtual server service**"; also see col. 7:50-61 "**…when the prospective client**
>
> **selects the database manager demonstration component 102h from any**
>
> **page of the control window 100…The prospective user can manipulate the**
>
> **data menu and the input field 184 to experience the look and feel of**
>
> **operating the database manager unit of the virtual server**").

Therefore, it would have been obvious to one having an ordinary skill in the art at the time the invention was made to modify Suzuki's approach to include the teaching of Tobler. One of ordinary skill in the art would have been motivated to modify because it provides a flexible way of using input data for demonstration purposes.

As per claim 2:

Suzuki further teaches:

wherein said server is a highly secured server (**since it requires user to log in by the account, it is a highly secured server**).

As per claims 3 and 4:

Suzuki further teaches:

wherein said providing an identified user with access, via a network, to a server comprising a program to be demonstrated further comprises identifying a user and providing said identified user with access, via a network, to a server comprising a program to be demonstrated (see at least [0026] "…**logs on by the account for which it has applied beforehand. If the account is a right thing, a log on in a terminal server 210 will be permitted**").

As per claim 6:

Suzuki further teaches:

wherein said identifying a user further comprises identifying a user through supplying a user with a unique, operational user ID (see at least [0026] "…**logs on by the account for which it has applied beforehand. If the account is a right thing, a log on in a terminal server 210 will be permitted**" – account contains user identification).

As per claims 13, 22 and 25:

Suzuki further teaches:

wherein said providing any results of said execution further comprises

providing any results of said execution via a web page (**It is inherent in order to**

show the results on the terminal computer).

As per claim 14:

Suzuki further teaches:

providing said identified user with an option to purchase said program (**It**

is inherent in order to fulfill software demonstration/trail purposes).

As per claim 21:

Suzuki further teaches:

wherein said server is accessible to said identified user via the Internet

(see at least [0011] "...**communication line of the 1st invention being the**

Internet").

As per claim 23:

Suzuki further teaches:

wherein said apparatus is in distributed form (**It is inherent in order to**

fulfill the software demonstration purposes).

As per claim 26:

Suzuki further teaches:

      wherein said web page accessible to one or more of said user and others

(see at least [0029] "**there is no limit of the number of user terminals**").

As per claim 27:

      Suzuki in combination with Tobler further teaches:

      wherein said server and said program to be demonstrated are configured

to execute said program to be demonstrated by manipulating said received code

as part of said program execution to provide a result based on said received

code that corresponding with the execution of said program to be demonstrated

using said received code, and, wherein said results provided comprise the results

that would have been obtained if the program were installed for operation on the

user machine from which the received code was obtained (the rejection has been

addressed in claim 1).

As per claim 28:

      Suzuki in combination with Tobler further teaches:

      wherein said user upload of said code that is to be received by said server

from said user for use in execution by the demonstration program is

automatically configured to upload said code to be run to the server, and wherein

said server is configured to run said received user code (the rejection has been

addressed in claim 1).

8.   Claims 5, 7-12, 15, 19 and 20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Suzuki (JP02002342084A), in view of Tobler (United States Patent

No.: US 6,978,232).

As per claim 5:

        Suzuki does not explicitly teaches:

                wherein said identifying a user further comprises identifying a user through

        supplying a user with a unique, operational email address.

        However, official notice is taken that supplying a user with a unique, operational

email address is well known to the art at the time the invention was made. One would

have been motivated to modify Suzuki's approach to use email address as part of a

user account for identifying user because the manufacturer may be used email to send

out software demonstration message to the user. Therefore, using email address to

match the user account is easy and fast.

As per claims 7, 8, 12 and 19:

        Suzuki does not explicitly teach:

                an email scanning program/proscribed code scanner program to be

        demonstrated.

        However, official notice is taken that email scanning program or proscribed code

scanner program is well known to the art at the time the invention was made. One

would have been motivated to include an email scanning program/a proscribed code

scanner program to be demonstrated in order to fulfill the user's needs and desires.

As per claims 9 and 20:

     Suzuki does not explicitly teaches:

        wherein said receiving code from said identified user further comprises

receiving email from said identified user.

     However, official notice is taken that receiving email from said identified user is

well known to the art at the time the invention was made. One would have been

motivated to email the server to request software demonstration or the email the code

or message to the server for demonstration because it is a convenient, fast, and easy

way to do.

As per claim 10:

     Suzuki does not explicitly teaches:

        wherein said receiving email from said identified user further comprises

receiving a predetermined amount of email from said identified user.

     However, official notice is taken that receiving a predetermined amount of email

fro said identified user is well known to the art at the time the invention was made. One

would have been motivated to only allow a predetermined amount of mail from the user

to request software demonstration because the server only accepting number of time

the user tried the demonstration program otherwise it will not fulfill the purpose of

demonstration.

<u>As per claim 11</u>:

Suzuki does not explicitly teaches:

wherein said receiving code from said identified user further comprises

receiving code for a predetermined time from said identified user.

However, official notice is taken that receiving code for a predetermined time

from said identified user is well known to the art at the time the invention was made.

One would have been motivated to modify because in order to prevent the server from

crashing, corrupting, interrupting, slow responding, etc., due to large amount of users

access the server at once, the user is only allowed to access the server with a

predetermined time.

9.   Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki

(JP02002342084A) and Tobler (United States Patent No.: US 6,978,232), and further in

view of Smith et al. (United States Patent No.: US 6,918,038).

<u>As per claim 15</u>:

Suzuki does not explicitly teaches:

providing said server with a secure shut down mechanism.

However, Smith teaches:

providing said server with a secure shut down mechanism (see at least

col. 18:7-10 "**Generally, monitor node 674 monitors the status of the nodes**

from a security standpoints and may facilitate shut down all or part of the

network in response to a security violation").

Therefore, it would have been obvious to one having an ordinary skill in the art at

the time the invention was made to modify Suzuki's approach to allow secure shut down

as taught by Smith. One of ordinary skill in the art would have been motivated to modify

Suzuki's approach to provide the well known secure shut down technique taught by

Smith for security purposes.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Phillip H. Nguyen whose telephone number is (571)

270-1070. The examiner can normally be reached on Monday - Thursday 10:00 AM -

3:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Wei Y. Zhen can be reached on (571) 272-3708. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PN
3/10/2008

/Wei Zhen/
Supervisory Patent Examiner, Art Unit 2191